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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE NUTANIX, INC.  
SECURITIES LITIGATION

Case No. 3:19-cv-01651-WHO

**CLASS ACTION**

**STIPULATION AND [PROPOSED]  
ORDER MODIFYING CLASS  
CERTIFICATION DEADLINES  
AND CASE MANAGEMENT  
CONFERENCE**

1           WHEREAS, this action is a consolidated securities class action alleging violations of  
 2 Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and Securities Exchange  
 3 Commission Rule 10b-5;

4           WHEREAS, on May 28, 2019, Shimon Hedvat filed a motion, pursuant to the Private  
 5 Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(3)(i)(II), to (a) appoint himself as the  
 6 lead plaintiff in this action and (b) to appoint his counsel, Levi & Korsinsky, LLP, as lead counsel in  
 7 this action (ECF No. 22);

8           WHEREAS, on July 10, 2019, the Court granted Mr. Hedvat's motion, appointed Mr. Hedvat  
 9 as Lead Plaintiff, and appointed his counsel, Levi & Korsinsky, LLP, as Lead Counsel (ECF No. 87);

10          WHEREAS, on September 9, 2019, Mr. Hedvat filed the Consolidated Amended Complaint  
 11 for Violation of the Federal Securities Laws ("FAC") against Defendants Nutanix, Inc., Dheeraj  
 12 Pandey, and Duston M. Williams (collectively, the "Defendants") (ECF No. 102);

13          WHEREAS, the FAC added the City of Miami Fire Fighters' and Police Officers' Retirement  
 14 Trust (the "Trust") as a named plaintiff and proposed class representative;

15          WHEREAS, on October 24, 2019, Defendants moved to dismiss the FAC (ECF No. 108), and  
 16 after briefing and oral argument (ECF Nos. 111, 113, 115), the Court granted Defendants' motion to  
 17 dismiss with leave to amend on March 9, 2020 (ECF No. 121);

18          WHEREAS, on April 17, 2020, Mr. Hedvat and the Trust filed a Second Amended Complaint  
 19 for Violation of the Federal Securities Laws ("SAC") against Defendants (ECF No. 124);

20          WHEREAS, on May 22, 2020, Defendants moved to dismiss the SAC (ECF No. 125), and  
 21 after briefing and oral argument (ECF Nos. 127, 129, 134), the Court denied Defendants' motion to  
 22 dismiss the SAC on September 11, 2020 (ECF No. 140);

23          WHEREAS on October 27, 2020, the Court held a case management conference ("CMC") and  
 24 entered a scheduling order that, among other things, set a further CMC for May 4, 2021 at 2:00 p.m.  
 25 and set a schedule for Lead Plaintiff's Motion for Class Certification such that the deadline for Lead  
 26 Plaintiff to file his Motion for Class Certification was February 26, 2021, the deadline for Defendants  
 27 to file any response was April 30, 2021, the deadline for Lead Plaintiff to file any reply was June 30,  
 28 2021, and the date set for hearing on the motion was July 21, 2021 at 2:00 p.m. (ECF No. 152);

1           WHEREAS, on January 27, 2021, Mr. Hedvat, Jose Flores, and the Trust filed a joint Motion  
2 to Withdraw as Lead Plaintiff and Substitute Lead Plaintiff (ECF Nos. 161-162);

3           WHEREAS, on January 28, 2021, the Clerk of Court set the Motion to Withdraw as Lead  
4 Plaintiff and Substitute Lead Plaintiff for hearing on March 3, 2021 (ECF No. 163);

5           WHEREAS, on February 4, 2021, by stipulation of the parties the Court modified the deadline  
6 for Lead Plaintiff to file his Motion for Class Certification from February 26, 2021 to March 10, 2021,  
7 and the deadline for Defendants to file any response from April 30, 2021 to May 12, 2021, but left all  
8 other deadlines and the date set for hearing on the Motion for Class Certification in place (ECF No.  
9 165);

10          WHEREAS, on March 1, 2021, after briefing by the parties (ECF Nos. 161-162, 167-170), the  
11 Court granted the Motion to Withdraw Lead Plaintiff and re-opened the lead plaintiff application  
12 process for 21 days (ECF No. 171);

13          WHEREAS, lead plaintiff applications must be filed with the Court on or before March 22,  
14 2021 (ECF No. 171);

15          WHEREAS, the Trust remains a plaintiff in this action and Lead Counsel remains its counsel;

16          WHEREAS, in light of the current procedural posture and, in particular, the fact that a new  
17 lead plaintiff must be appointed, Lead Counsel and Defendants respectfully request that the class  
18 certification briefing be continued as set forth below;

19          WHEREAS, Lead Counsel and Defendants also respectfully request the CMC and related  
20 CMC deadlines be continued as set forth below;

21          **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO**  
22 **APPROVAL BY THIS COURT**, by Lead Counsel and Defendants, subject to Court approval, as  
23 follows:

24          1.       Within ten (10) days of the Court's order appointing a new lead plaintiff, the lead  
25 plaintiff(s) and Defendants shall confer and submit to the Court for approval a proposed schedule,  
26 including, if appropriate, a schedule for the filing of a Motion for Class Certification and a briefing  
27 schedule for that motion.

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1           2. The CMC scheduled for May 4, 2021 is vacated pending the appointment of a lead  
2 plaintiff. Likewise, the deadline for filing a Case Management Statement is continued accordingly.

3       3. Nothing in this Stipulation shall be construed as a waiver of any party's rights or  
4 positions in law or in equity.

## **IT IS SO STIPULATED.**

6 || Dated: March 4, 2021

**WILSON SONSINI GOODRICH & ROSATI**  
Professional Corporation

/s/ Ignacio E. Salceda  
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*Attorneys for Defendants Nutanix, Inc.,  
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14 | Dated: March 4, 2021

## **LEVI & KORSINSKY, LLP**

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*Attorneys for Named Plaintiff City of Miami Fire  
Fighters' and Police Officers' Retirement Trust and  
Lead Counsel for the Class*

24 IT IS SO ORDERED.

26 || Dated:

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Honorable William H. Orrick  
United States District Judge

## **ATTESTATION**

I, Ignacio E. Salceda, am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Order Modifying Certification Deadlines and Case Management Conference. In compliance with Local Rule 5-1(i)(3), I hereby attest that Lead Counsel, Levi & Korsinsky, concurs in this filing.

7 || Dated: March 4, 2021

**WILSON SONSINI GOODRICH & ROSATI**  
Professional Corporation

/s/ Ignacio E. Salceda  
Ignacio E. Salceda

*Attorneys for Defendants Nutanix, Inc.,  
Dheeraj Pandey, and Duston M. Williams*